TL4514

East Timor Human Rights Centre

EAST TIMORESE POLITICAL PRISONERS
Progress Report

15 October 1998 Ref: SPR1/98PR

Introduction

When Yusuf Habibie assumed the leadership of Indonesia in May 1998, he acknowledged that political reform must include the release of political prisoners. Consistent with his commitment to reform, President Habibie has ordered the release of some East Timorese prisoners: fifteen were released on 10 June[1] and another ten were released in connection with Indonesia's 17 August Independence Day.[2] While the ETHRC welcomes the latest releases, it remains concerned that the Habibie government has not demonstrated a genuine commitment to expediting the release of other East Timorese political prisoners. The actual number of East Timorese prisoners who have been released by President Habibie is still limited, and the releases have not been carried out promptly or systematically. Moreover, there has not been a noticeable reduction in the number of East Timorese political prisoners as new political prisoners are still being detained. At present estimates, there are at least 131 East Timorese political prisoners detained in Indonesian prisons in East Timor and Indonesia, including Xanana Gusmão, leader of the East Timorese resistance.

The Habibie government has taken a piecemeal approach to the release of East Timorese political prisoners, quite selectively and strategically releasing some prisoners, while refusing to release Xanana Gusmão. There are also five known East Timorese prisoners of conscience who remain in detention, even though they are all clear cases of East Timorese people who have been convicted solely for the non-violent expression of their political views.[3] The ETHRC believes they should be released immediately and unconditionally, as should Xanana Gusmão, to enable him to participate in the dialogue on East Timor's future. These steps are absolutely essential in order to demonstrate the Indonesian government's commitment to expediting the release of political prisoners and to building confidence in the peace process.

There must also be an immediate improvement in the human rights situation on the ground in East Timor. Sadly, the recent releases of East Timorese political prisoners do not reflect any

[1] See East Timor Human Rights Centre, East Timorese Political Prisoners, SPR 1/98, Melbourne, 23 June 1998, for details.

[2] See Appendix A for details of the 10 prisoners recently released.

[3] See ETHRC report, East Timorese Political Prisoners, op. cit., for details of the five known East Timorese prisoners of conscience.

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substantial improvement in the human rights situation in the territory. While greater political freedom has been noticeable in East Timor, there has been a continuation of the pattern of imprisoning East Timorese people who are opposed to Indonesian rule in East Timor or suspected of collaboration with the Clandestine Resistance. Arbitrary detention remains common, and does not appear to have abated following Habibie's ascension to the Presidency. In fact, the ETHRC received reports of sixty-nine East Timorese people being arbitrarily detained in the month of July alone.[4] More recently, there have been reports of an increase in the Indonesian military presence in East Timor, contrary to claims by the government of Indonesia that troop numbers were being reduced.[5] With the renewed intensive military operations in the territory, the ETHRC holds grave fears that there may be an escalation in human rights violations against the East Timorese.

In light of the violations continuing in East Timor, and the failure of the Habibie government to release Xanana Gusmão and other East Timorese political prisoners, the ETHRC has serious doubts about the sincerity of the Habibie government's commitment to political reform in East Timor, and to finding an internationally acceptable solution to the conflict.

Xanana Gusmão

Both the UN Secretary General and the international community have repeatedly called on the government of Indonesia to immediately and unconditionally release Xanana Gusmão, a step which is considered essential to enable him to participate in the dialogue to determine East Timor's future and build confidence in the peace process. The importance of East Timorese participation in the dialogue was acknowledged by Indonesia at the August 1998 round of Tripartite Talks between Portugal and Indonesia under UN auspices, where it was agreed to include the East Timorese more closely in the search for a solution.[6] Meanwhile, Indonesia has steadfastly refused to free Xanana Gusmão, even though there can be no effective East Timorese participation in the dialogue for a solution without the release of Xanana and his participation in the Tripartite Talks.

In a recent statement, Justice Minister Muladi said "There will be no special treatment for Xanana because he was convicted of a crime."[7] Muladi added, however, that the solution to Xanana's case could be part of an overall agreement over East Timor. The government of Indonesia appears to be standing firm in its position of insisting that any "special status" for East Timor must include acceptance of "integration" of East Timor into Indonesia, whereas the vast majority of East Timorese are calling instead for a UN-supervised referendum to determine their political future. The ETHRC believes Habibie's continued insistence on conditions prior to releasing Xanana, only serves to undermine Indonesia's commitment to

[4] Of these, 50 were released after short-term detention and 19 may still be in detention, although their current status is unconfirmed. See Appendix C for details.

[5] See ETHRC report, East Timor: No Solution Without Respect for Human Rights, SR 1/98, Melbourne, August 18, 1998, for details of Indonesian government claims that troop have been withdrawn – claims which are no longer credible.

[6] UN communiqué, New York, 5 August, 1998.

[7] Lusa, 27 August, 1998.

resolving the conflict through peaceful dialogue. To demonstrate its commitment and build confidence in the peace process, the Indonesian government should immediately and unconditionally release Xanana Gusmão and all other East Timorese political prisoners.

No Commitment to the Release of East Timorese Political Prisoners

The government of Indonesia confirmed its commitment to expediting the release of East Timorese political prisoners at the 5 August 1998 round of Tripartite Talks.[8] There have also been persistent reports that more East Timorese political prisoners will be released[9], however, progress on releases has been slow and piecemeal. After the initial 10 June release of fifteen prisoners, there was a long delay, with the next group of ten East Timorese prisoners not being released until August when another ten East Timorese political prisoners were released.[10] Six of the ten prisoners released were given amnesty[11] while the other four were granted absolution.[12] While the ETHRC welcomes these latest releases, it must be noted that they have coincided with Indonesia's Independence Day, traditionally a time when releases and remissions are announced. Furthermore, since the August releases took place, no further action has been taken by the Habibie government to release other East Timorese political prisoners.

Also of concern is the fact that some of the releases do not actually represent significant gestures on the part of the Habibie government. One the prisoners given absolution, David Dias Ximenes, was not even in detention. Ximenes had been released in June after the court dismissed the case against him due to insufficient evidence, but he was facing an appeal against the court's decision by Indonesia's Attorney-General. Two of the prisoners given amnesty, Marcelino Fraga, 22, and Moises Freitas Morreira, aged only 15, who had been convicted for their alleged involvement in the June 1996 disturbances in Baucau, were given amnesty in August but it appears they were in fact already overdue for release.[13] It is believed that several of the prisoners released on June 10 were also overdue for release.[14]

Aside from the 25 releases announced by President Habibie, there have also been other East Timorese political prisoners released since Habibie came to power[15] but these releases appear

[8] UN communiqué, New York, 5 August, 1998.

[9] On 26 May Justice Minister Muladi announced that a further 10 to 15 prisoners may be released while in late August *Suara Timor Timur*, the Indonesian newspaper in East Timor, reported that to 83 prisoners may be released.

[10] See Appendix A for names and details.

[11] Amnesty is given to someone who has been convicted and no further legal proceedings are pending.

[12] David Dias Ximenes, Gaspar da Silva, Salvador da Silva and Bobby Xavier we granted absolution. Under Indonesian law, a*bolisi* or absolution is where the legal process is continuing in respect of a defendant but all proceedings are discontinued.

[13] It is believed Moises Freitas Morreira was due for release in June 1997 and Marcelino Fraga in January 1998.

[14] Bendito Amaral, Cancio Antonio Henrique Guterres, Hermenegildo da Costa and Tomas Augusto Correia, who were convicted for their involvement in the Mahkota hotel demonstration, were given amnesty on 10 June 1998 but it is believed they were due for release on 24 March 1998.

[15] Four East Timorese were released after the Semarang court handed down a not-guilty verdict on 1 June 1998. Another 10 people (including David Dias Ximenes) were released on 13 June 1998 when the court dropped all charges against them. It is believed they were all prisoners of conscience. See ETHRC, East Timorese Political Prisoners, op. cit., for details.

to be part of the ordinary course of events in East Timor, rather than being related to any action taken by the Habibie government. While many East Timorese people are convicted for politically-motivated acts, others are routinely arrested, charged, but later released due to insufficient evidence. In this way the authorities are able to extract information from detainees about the East Timorese Resistance, and curtail the activities of individuals opposed to Indonesian rule in East Timor.

East Timorese continue to be detained for political reasons

The recent release of some political prisoners does not signify an improvement in respect for human rights in East Timor. While some East Timorese political prisoners have been released, others have been detained for opposing Indonesian rule in East Timor so that overall, the number of East Timorese political prisoners remains high. At a conservative estimate, there are still at least 131 East Timorese political prisoners,[16] although the actual numbers are probably higher. It is impossible to obtain the names of all East Timorese political prisoners because access to East Timor for international human rights monitors is still prohibited and restrictions are also placed on local organisations monitoring violations.

The Indonesian government cannot claim to have made any significant progress on the release of East Timorese political prisoners while East Timorese civilians continue to be detained for political reasons. It must also be noted that political imprisonment is continuing in the context of other serious human rights violations. Political detainees are still being subjected to torture and ill-treatment in order to extract information. They are frequently convicted at unfair trials, often they do not have full, unrestricted access to lawyers of their own choice and information extracted under torture is often used as evidence against them in court. The fact that these human rights violations, which characterised political imprisonment under the Soeharto regime, are continuing, demonstrates that from the point of view of the East Timorese people, very little progress has in fact been made.

The ETHRC is particularly concerned that the practice of arbitrary detention is still so prevalent in East Timor. While some political detainees are charged and eventually convicted under provisions of the Indonesian Criminal Code (KUHP) or under other archaic and repressive provisions which are used to suppress dissent in East Timor, others are detained arbitrarily and later released, usually after information about the East Timroese resistance has been extracted.

The alarming rates of arbitrary detention which are continuing in East Timor underscore the need for the government of Indonesia to comply with the commitment it made at the April 1998 session of the UN Commission on Human Rights (UNCHR) to invite the UN Working Group on Arbitrary Detention to visit East Timor and impartially investigate all allegations of arbitrary detention. The ETHRC urges the Indonesian government to ensure that the visit takes place before the end of this year to enable the working group to report back to the 1999 session of the UNCHR.

[16] See Appendices B, C and D, E and F for details.

Political reform in East Timor requires greater respect for freedom of expression and association so that the East Timorese can express their views without fear of harassment, arbitrary arrest, arbitrary and incommunicado detention, and torture and ill-treatment. It is also essential that the government of Indonesia repeals the repressive laws, regulations and decrees which are used to suppress the peaceful and legitimate expression of dissent. The ETHRC believes that as long as these repressive laws are still in place, human rights violations will continue. Finally, there is a need for reform of the Indonesian judicial system to ensure a truly independent judiciary, and greater respect for the "rule of law". This will ensure that while the Indonesian judicial system continues to be imposed in East Timor, East Timorese people will at least be given trials which are fair according to international standards.

RECOMMENDATIONS TO THE GOVERNMENT OF INDONESIA

Prisoners of conscience and political prisoners

1. Immediately and unconditionally release Xanana Gusmão to enable him, as President of the CNRT (National Council of Timorese Resistance, the united political front of the East Timorese Resistance), to participate in the dialogue for a peaceful settlement to the East Timor conflict.

2. Immediately and unconditionally release all East Timorese prisoners of conscience and any other East Timorese people who have been convicted or are awaiting trial, solely for the non-violent expression of their views.

3. As a confidence-building measure, and in order to show the government of Indonesia's commitment to resolving the East Timor conflict through dialogue, immediately and unconditionally release all other East Timorese political prisoners, convicted or awaiting trial for their politically-motivated acts.

4. Stop the practice of arbitrarily arresting individuals for their non-violent political activities and ensure that all East Timorese people have the right to freedom of expression and association, without fear of harassment, arbitrary arrest, arbitrary detention, imprisonment, torture or ill-treatment.

Torture and ill-treatment of prisoners

5. Ensure that all East Timorese in police or military custody are treated humanely and in accordance with international standards.

6. Immediately conduct full and impartial investigations into allegations of torture by members of the Indonesian security forces, prosecuting those found responsible to the fullest extent of the law.

7. Prohibit explicitly by law all forms of torture and other forms of cruel, inhuman or degrading treatment or punishment and ensure that all such acts are recognised as criminal offences, punishable by penalties which reflect the seriousness of the crimes.

Arbitrary detention and incommunicado detention

8. Stop the practices of arbitrary and incommunicado detention of individuals. Ensure that detainees have prompt access to lawyers of their own choice and adequate medical treatment.

9. Establish a central register of all detainees in East Timor and require all members of the military and police to report the names of detainees immediately so that family members can be notified of the detention.

10. Immediately cease the practice of using military forces to arrest and interrogate suspects, as these are functions of the police under Indonesia's Criminal Procedure Code (KUHAP).

Legal reform

11. Repeal all repressive laws, regulations and decrees which are used to suppress the peaceful and legitimate expression of dissent, including:
    - The "hate-sowing" articles and the "insulting the President" and "incitement to violence" articles contained in the Indonesian Criminal Code (KUHP);
    - The Anti-Subversion law; and
    - Recent decree by President Habibie restricting the conduct of demonstrations.

12. Ratify the following international conventions:
    - The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), in accordance with commitments undertaken at the 1998 UN Commission on Human Rights;
    - The International Covenant on Civil and Political Rights (ICCPR) and its Optional Protocols; and
    - The International Covenant on Economic, Social and Cultural Rights (ICESCR).

13. Ensure that the Indonesian judicial system is reformed in order to bring about a judiciary which is truly independent and impartial.

International human rights monitoring

13. Invite the Working Group on Arbitrary Detention to visit East Timor, in accordance with commitments undertaken at the 1998 UN Commission on Human Rights (UNCHR). The visit, which will enable an impartial investigation of allegations of arbitrary detention, should take place before the end of 1998 to enable the working group to prepare a report in time for the 1999 session of the UNCHR.

14. Allow regular and unhindered access to East Timor for international human rights organisations, including the East Timor Human Rights Centre, for the purpose of human rights monitoring.

REQUEST FOR ACTION:

Please send faxes/telegrams/e-mails/airmail letters in English, Bahasa Indonesia or your own language, requesting the government of Indonesia to implement the above recommendations.

SEND APPEALS TO:

1. PRESIDENT YUSUF HABIBIE
President of the Republic of Indonesia
Istana Negara
Gedung Binagraha
Jl. Veteran
Jakarta Pusat
INDONESIA
Faxes: +62 21 345 7782
Telegrams: President Habibie, Jakarta, Indonesia
E-mail: habibie@ristek.go.id

2. MINISTER PROF. DR. MULADI, SH
Minister of Justice
Menteri Kehakiman
Jl H.R. Rasuna Said Blok X VI Kav. 4-5
Kuningan
Jakarta Selatan
INDONESIA
Faxes: +62 21 525 3095
Telegrams: Justice Minister Muladi, Jakarta, Indonesia

3. MINISTER FOR FOREIGN AFFAIRS
Ali Alatas S.H
Menteri Luar Negeri
Jl. Medan Taman Pejambon No. 6
Jakarta
INDONESIA
Faxes: +62 21 360 541 / 360 517 / 380 5511 / 345 7782 / 724 5354

Please also send appeals to:

- Diplomatic representatives of Indonesia in your country
- Parliamentarians and the Foreign Ministry in your country

PLEASE SEND APPEALS IMMEDIATELY

APPENDIX A

EAST TIMORESE POLITICAL PRISONERS RELEASED PURSUANT PRESIDENTIAL DECREE DATED 15 AUGUST 1998

No.	NAME	DATE OF ARREST	SENTENCE	CHARGES	DETAILS	PLACE OF DETENTION
1.	Akau da Costa	May 1997	Sentence not known. Given amnesty 15/8/98		BRIMOB headquarters assault, Dili, May 1997	LP Becora, Dili
2.	Aleixo F Cortereal	September 1997	2 years. Given amnesty 15/8/98	Article 106 KUHP	Accused of giving material support to Falintil.	Ermera detention centre
3.	Bobby Xavier Lobato Pereira	November 1997	Sentence unknown, subject to appeal. Granted absolution 15/8/98.	Articles 338, 106, 108 KUHP	Accused of supporting Falintil and killing an ABRI member.	LP Becora, Dili
4.	David Dias Ximenes	May 1997	Defendant released on 13/6/98 due to lack of evidence. Appeal by Attorney-General. Granted absolution 15/8/98.	Articles 106, 108,110 KUHP	Alleged mastermind of BRIMOB headquarters assault, Dili, May 1997.	Was not in detention
5.	Gaspar da Silva	November 1997	Sentence unknown, subject to appeal. Granted absolution 15/8/98.	Articles 106, 108,110 KUHP	Accused of contacting Falintil and possession of bombs.	LP Becora, Dili
6.	Manuel da Silva	September 1997	3 years. Given amnesty 15/8/98.		Accused of giving material support to Falintil.	Ermera detention centre
7.	Marcelino Fraga	June 1996	1 year, 3 months. Given amnesty 15/8/98.	Article 170 KUHP and Law 12/1951	June 1996 disturbances in Baucau.	Baucau detention centre
8.	Moises Freitas Morreira, 15	June 1996	8months. Given amnesty 15/8/98.	Article 170 KUHP and Law 12/1951	June 1996 disturbances in Baucau.	Baucau detention centre
9.	Pedro da Luz, 16	June 1996	1 year, 11 months. Given amnesty 15/8/98.	Article 170 KUHP and Law 12/1951	June 1996 disturbances in Baucau.	Baucau detention centre
10.	Salvador da Silva	November 1997	Sentence unknown, subject to appeal. Granted absolution 15/8/98.	Articles 106, 108, 110 KUHP	Accused of contacting Falintil and possession of bombs.	LP Becora, Dili

APPENDIX B

POLITICAL PRISONERS: CONVICTED AND HELD IN EAST TIMOR

No.	NAME	DATE OF ARREST	SENTENCE	CHARGES	DETAILS	PLACE OF DETENTION
1.	Abel da Costa Xavier	July 1997	10 years	KUHP Articles 106, 108, 110 and 340	Attack on police station, Baucau, May 1997	LP Becora, Dili
2.	Adelino Saldanha		Sentenced on 3/9/93 to 8 years			Baucau detention centre
3.	Adelio de Fatima Barreto Henrique	June 1997	18 months	KUHP Articles 106 and 338	Brimob headquarters assault, Dili, May 1997. Hunger strike Sept 1998.	LP Becora, Dili
4.	Afonso Manuel	Sept 1997	2 years	Articles 106, 108, 110 KUHP	Brimob headquarters assault, Dili, May 1997.	LP Becora, Dili
5.	Agapito da Sousa		Sentenced on 16/9/97 to 3 years 6 months			Baucau detention centre
6.	Agostinho da Costa Belo	April 1997	Sentenced 9/97 to 2 years			LP Becora, Dili
7.	Agostinho dos Santos	June 1997	10 years			LP Becora, Dili
8.	Agostino Moreira	July 1996	5 years	Article 338 KUHP	June 1996 disturbances in Baucau	LP Becora, Dili
9.	Agostino Vidal	June 1996	6 years	Article 170 KUHP	June 1996 disturbances in Baucau. Hunger strike Sept 1998.	LP Becora, Dili
10.	Alberto da Costa M Belo	April 1998	7 months	Law No.12/1951	Alleged member of clandestine resistance, accused of hiding weapons in a bunker in Baucau.	Baucau detention centre
11.	Alberto da Silva Gaio					Baucau detention centre

12.	Armindo da Costa	Sept 1997	10 years
13.	Bernardo Soares	February 1998	7 months. Due for release in September.
14.	Carlos Anita		
15.	Carlos Freitas	July 1997	4 years
16.	Celestino Felipe Gama	July 1997	10 years
17.	Constancio C Santos	Sept 1997	20 years
18.	Denis Alves Pereira		Sentenced on 9/10/98 to 3 years 6 months.
19.	Daniel Freitas	June 1996	8 years
20.	Domingos DC		6 years, 5 months
21.	Domingos de Oliveira	April 1998	2 years
22.	Domingos Pereira	1997	1 year 6 months
23.	Domingos Soares		
24.	Eusebio dos Santos Marques	June 1997	2 years
25.	Felisberto Gaio Correia		Sentenced 28/7/98 to 8 months
26.	Francisco da Conceição	June 1997	10 years

Articles 106, 108, 110 & 340 KUHP	Attack on police station, Baucau, May 1997 .	LP Becora, Dili
Articles 108, 110 KUHP and Law No. 12/1951	Accused of possession of ammunition intended to aid Falintil.	Baucau detention centre
	Hunger strike September 1998.	LP Becora, Dili
Articles 338 and 340 KUHP	Killing of ABRI member in Vemasse, Baucau district. Hunger strike September 1998.	Baucau detention centre
Articles 106, 108, 110 and 340 KUHP	Attack on police station, Baucau, May 1997.	Baucau detention centre
Articles 106,110 KUHP Law No.12/1951	Possession and transport of home-made bombs and weapons.	LP Becora, Dili
		Baucau detention centre
Unconfirmed – possibly KUHP Art. 106 & 110	AI list of prisoners. June 1996 disturbances in Baucau	LP Becora, Dili
		LP Becora, Dili
Law No.12/1951	Accused of harbouring guerrillas and of illegal possession of weapons.	Baucau detention centre
Articles 106, 108 and 110 KUHP	Brimob headquarters assault, Dili, May 1997 .	LP Becora, Dili
	Hunger strike September 1998.	LP Becora, Dili
	1997 election-related attacks. Hunger strike September 1998.	LP Becora, Dili
		Baucau detention centre
Articles 106 and 338 KUHP	Brimob headquarters assault, Dili, May 1997.	LP Becora, Dili

27.	Francisco da Costa	June 1997	Death, commuted to life sentence	Articles 106, 108, 110, 214, 340, 55 KUHP and Law No 12/1951	Assault on Indonesian military truck, Quelicai, May 1997.	LP Becora, Dili
28.	Francisco da Silva	May 1997	10 years	Articles 106 and 338 KUHP	Brimob headquarters assault, Dili, May 1997.	LP Becora, Dili
29.	Francisco do Carmo	June 1997	1 year, 6 months years	Articles 106, 108 and 110 KUHP	Brimob headquarters assault, Dili, May 1997 .	LP Becora, Dili
30.	Francisco Freitas	July 1997	4 years	Articles 340 KUHP	Killing of ABRI member in Vemasse, Baucau district.	LP Becora, Dili
31.	Francisco Soares	May or June 1997	10 years	Articles 106 and 338 KUHP	Brimob headquarters assault, Dili, May 1997.	LP Becora, Dili
32.	Guilhermino Soares	May-July 1997		Articles 333 and 340 KUHP	Alleged killing of ABRI member in Vemasse, Baucau district.	Manatuto detention centre
33.	Helder Mascarenhas				Hunger strike September 1998.	LP Becora, Dili
34.	Henrique Belmiro Guterres	Dec 1994	6 years 2 months	Articles 106 and 110 KUHP	Convicted for being Xanana Gusmao's driver.	LP Becora, Dili
35.	Ijidio da Cunha	June 1997	10 years	Articles 106 and 338 KUHP	Brimob headquarters assault, Dili, May 1997.	LP Becora, Dili
36.	Ines Amaral (female)	February 1998	2 years 6 months	Articles 108, 110 KUHP and Law No. 12/1951	Accused of possession of ammunition intended to aid Falintil.	Baucau detention centre
37.	Jaime Freitas				Incommunicado detention.	Kopassus Baucau
38.	Jeronimo Soares	July 1997	7 years	Article 340 KUHP	Killing of ABRI member in Vemasse, Baucau district.	Baucau detention centre
39.	João da Cunha	June 1997	3 years	Articles 106 and 338 KUHP	Brimob headquarters assault, Dili, May 1997.	LP Becora, Dili
40.	João de Deus	July 1997	4 years	Articles 338 and 340 KUHP	Killing of ABRI member in Vemasse, Baucau district.	Manatuto detention centre

41.	João de Deus Pineiro	June 1996	2 yrs 3 months
42.	João Salvador Neto		Sentenced on 3/5/98 to 2 years
43.	Joaquim Carvalho de Araujo	June 1997	4 years
44.	Joelson Belo		14 months
45.	Jose da Costa	April 1998	Sentenced on 11/8/98 to 6 months
46.	Jose Soares Menezes	June 1997	10 years
47.	Juveano Nue Ribeiro		
48.	Lamberto Freitas	June 1997	3 years
49.	Lino Xavier Nunes	July 1997	5 years
50.	Lucio de Jesus	April 1998	Sentenced 19/8/98 to 6 months
51.	Luis Antonio Soares	June 1997	10 years
52.	Luis Gonzaga	September 1997	7 years
53.	Luis Maria da Silva	June 1997	Death, commuted to life sentence

Article 187 KUHP	June 1996 disturbances in Baucau.	LP Becora, Dili
		Baucau detention centre
Articles 106,108 and 110 KUHP	Brimob headquarters assault, Dili, May 1997. Health is poor.	LP Becora, Dili
Articles 297(1), 332, 64(1) KUHP		LP Becora, Dili
Articles 106 KUHP and Law No.12/1951	Accused of harbouring Falintil guerrillas and hiding weapons in bunker in Baucau.	Baucau detention centre
		LP Becora, Dili
	Accused of aiding Falintil.	Baucau detention centre
Articles 333 and 340 KUHP	Killing of ABRI member in Vemasse, Baucau district. Hunger strike September 1998.	LP Becora, Dili
Unconfirmed – possibly KUHP Art. 338 & 340	Killing of ABRI member in Vemasse, Baucau district. Hunger strike September 1998.	LP Becora, Dili
Law No.12/1951	Alleged member of clandestine resistance, accused of hiding weapons in a bunker in Baucau.	Baucau detention centre
Articles 106, 108, 110 & 340 KUHP	Attack on police station, Baucau, May 1997. Hunger strike Sept 1998.	LP Becora, Dili
Article 106 KUHP	Rebellion. Accused of providing material support to Falintil	Ermera detention centre
Articles 108, 110, 214, 340 & 56 KUHP and Law No 12/1951	Assault on Indonesian military truck, Quelicai, May 1997	LP Becora, Dili

54.	Manuel da Silva				Hunger strike September 1998	LP Becora, Dili
55.	Manuel Gomes		18 months	Articles 134, 155 and 55 KUHP	Insulting the President	Ermera detention centre
56.	Manuel Henrique		Sentenced 3/9/93 to 8 years			Baucau detention centre
57.	Mariano da Costa Sarmento	May or June 1997	10 years	Articles 106 and 338 KUHP	Brimob headquarters assault, Dili, May 1997.	LP Becora, Dili
58.	Mariano Soares				Hunger strike September 1998	LP Becora, Dili
59.	Martinho Soares da Silva					Baucau detention centre
60.	Mateus Tilman		18 months (or 8 months)	Article 134, 155 and 55 KUHP	Insulting the President	Ermera detention centre
61.	Matias Gouveia Duarte	Nov 1994	5 years	Article 106 KUHP	Rebellion	LP Becora, Dili
62.	Matias Marcal Soares	June 1997	14 years	Articles 106, 108, 110 and 340 KUHP	Attack on police station, Baucau, May 1997.	LP Becora, Dili
63.	Orlando Joaquim da Cruz				Accused of setting fire to a church.	Baucau detention centre
64.	Paulino dos Santos		Sentenced 23/8/98 to 6 years, 5 months		Believed to have demonstrated in Losapalos against price increases.	Baucau detention centre
65.	Paulo da Costa Soares	April 1998	Sentenced on 25/8/98 to 1 year, 6 months	Law No.12/1951	Alleged member of clandestine resistance, accused of illegal possession of weapons.	Baucau detention centre
66.	Pedro Freitas	July 1997	5 years	Article 340 KUHP	Killing of ABRI member in Vemasse, Baucau district.	LP Becora, Dili
67.	Reinaldo Marcal	May or June 1997	10 years	Articles 106 and 338 KUHP	Brimob headquarters assault, Dili, May 1997.	LP Becora, Dili
68.	Romeo da Conceicao	May or June 1997	10 years	Articles 55, 106, 108, 110 and 338 KUHP	Brimob headquarters assault, Dili, May 1997.	LP Becora, Dili

69.	Rui Ivo de Sa Freitas	May-July 1997	2 years	Articles 333 and 340 KUHP	Killing of ABRI member in Vemasse, Baucau district.	Manatuto detention centre
70.	Sabino Barbosa Ximenes	Sept 1997	2 years, 2 months	KUHP Article 340	Alleged member of clandestine resistance, accused of murder.	Baucau detention centre
71.	Salustiano Freitas	April 1998	2 years	Law No. 12 /1951	Alleged member of Clandestine Resistance, accused of illegal possession of weapons. Was earlier released but has now been sentenced and is in detention.	Baucau detention centre
72.	Salvador da Silva	June 1996	13 years (or 3 years, unconfirmed)	Article 187 KUHP	June 1996 disturbances in Baucau. Hunger strike September 1998.	LP Becora, Dili
73.	Thomas Henrique Pinto		Sentenced 15/10/97 to 8 years			Baucau detention centre
74.	Venancio Amaral					LP Becora, Dili

APPENDIX C

POLITICAL PRISONERS: ON TRIAL OR AWAITING TRIAL IN EAST TIMOR

No.	NAME	DATE OF ARREST	STAGE IN PROCESS	CHARGES	DETAILS	PLACE OF DETENTION
75.	Bernardo Mendes		Awaiting trial		Alleged member of clandestine resistance, accused of supporting Falintil	LP Becora, Dili
76.	Bernardo da Silva	Feb 1998	Awaiting trial		Alleged political activities and possession of home-made bombs and arrows. Hunger strike September 1998.	LP Becora, Dili
77.	Floriano da Costa Xavier	Feb 1998	Awaiting trial		Alleged political activities and possession of home-made bombs and arrows. Hunger strike September 1998.	LP Becora, Dili
78.	Florindo Gomes		Awaiting trial		Alleged member of clandestine resistance, accused of supporting Falintil	LP Becora, Dili
79.	João Evangelino	April 1998	On trial	Articles 106 KUHP and Law No.12/1951	Accused of harbouring guerrillas and of illegal possession of weapons	Baucau detention centre
80.	João Soares	June 1997	Awaiting trial		Alleged member of clandestine resistance, accused of supporting Falintil	LP Becora, Dili
81.	João Soares Reis	Feb 1998	Awaiting trial		Alleged political activities and possession of home-made bombs and arrows. Hunger strike September 1998.	LP Becora, Dili
82.	Jose Soares		Awaiting trial		Alleged member of clandestine resistance, accused of supporting Falintil	LP Becora, Dili
83.	Rogerio Viegas Vicente		On trial	Articles 55 and 338 KUHP	Accused of attempted murder of ABRI member.	Maliana detention centre
84.	Rui Campus	January 1998	Awaiting trial			Baucau detention centre
85.	Juviano Nue Ribeiro		Awaiting trial		Accused of providing material support to Falintil	Baucau detention centre

APPENDIX D

POLITICAL PRISONERS: ARBITRARILY DETAINED IN EAST TIMOR

No.	NAME	DATE OF ARREST	PERPETRATORS	DETAILS	PLACE OF DETENTION
86.	Agapito Ximenes	July 18 1998	Police and SGI	Accused of masterminding riots at Vila Verde, Dili.	Unconfirmed whether still detained and where.
87.	Augusto (no surname)	July 14 1998	SGI, Kodim, Police, Brimob, Halilintar	Suspected members of the clandestine movement.	Kodim Bobnaro. Unconfirmed whether still detained.
88.	Augusto da Silva	July 14 1998	SGI, Kodim, Police, Brimob, Halilintar	Arrested for being suspected members of the clandestine movement.	Kodim Bobnaro. Unconfirmed whether still detained.
89.	Carlito Xavier, 17	July 27 1998	Police Unit: Pioneer Team	Accused of having links with the clandestine movement.	Polda. Believed to be still in detention.
90.	Elidio M. Belo	July 18 1998	Police and SGI	Accused of masterminding riots at Vila Verde, Dili.	Unconfirmed whether still detained and where.
91.	Eusebio Ximenes	July 13 1998	SGI, BTT 512, Rajawali, Yonif 744 and Police	Allegedly destroyed government property.	Polsek, West Dili. Believed to be still in detention.
92.	Fernando Pereira	July 27 1998	Police Unit: Pioneer Team	Accused of having links with the clandestine movement.	Polda. Believed to be still in detention.
93.	Fortunato Tilman	July 14 1998	SGI, BTT 512, Rajawali, Yonif 744 and Police	Allegedly destroyed government property.	Polsek, East Dili. Believed to be still in detention.
94.	Francisco da Cruz	July 13 1998	Rajawali, SGI, Gadapaksi	Suspected of clandestine activities and illegal possession of weapons.	Unconfirmed whether still detained and where.
95.	Gregorio Adelaide Pereira	July 18 1998	Police and SGI	Accused of masterminding riots at Vila Verde, Dili.	Unconfirmed whether still detained and where.
96.	Hermino (no surname)	July 14 1998	SGI, Kodim, Police, Brimob, Halilintar	Suspected members of the clandestine movement.	Kodim Bobnaro. Unconfirmed whether still detained.

97.	Inacio Gomes	July 14 1998	SGI, BTT 512, Rajawali, Yonif 744 and Police	Allegedly destroyed government property.	Polsek, East Dili. Believed to be still detained.
98.	Januario Freitas	July 12 1998	Yonif 744, SGI, Rajawali and Gada Paksi	Suspected of clandestine activities and attacking security personnel.	POLRES Dili. Believed to be still in detention.
99.	Jose Pinto Batista	17 July 1998	Unspecified Indonesian military unit	Disappeared while travelling by motorbike to Gleno, Ermera.	Unconfirmed whether still detained and where.
100.	Justino de Araujo	July 27 1998	Police Unit: Pioneer Team	Accused of having links with the clandestine movement.	Polda. Believed to be still in detention.
101.	Nuno Borges	July 27 1998	Police Unit: Pioneer Team	Accused of having links with the clandestine movement.	Polda. Believed to be still in detention.
102.	Nuno Lopes Soares Gama	July 24 1998	Police Satlantas (traffic police), SGI and Mariner	Allegedly caused disturbance and stabbed twice during the arrest.	Polda. Unconfirmed whether still detained.
103.	Raimundo P da Cruz	July 18 1998	Police and SGI	Accused of masterminding riots at Vila Verde, Dili.	Unconfirmed whether still detained and where.
104.	Rosito Manuel da Silva	July 15 1998	ABRI	Shot then arrested. Reason not known.	Unconfirmed whether still detained and where.

APPENDIX E: EAST TIMROESE PRISONERS OF CONSCIENCE

5 names. See table in ETHRC report, East Timorese Political Prisoners, SPR 1/98, Melbourne, 23 June 1998, Appendix D.

APPENDIX F: EAST TIMROESE POLITICAL PRISONERS HELD IN INDONESIA

22 names. See table in ETHRC report, East Timorese Political Prisoners, SPR 1/98, Melbourne, 23 June 1998, Appendix F.

APPENDIX G: EAST TIMORESE POLITICAL PRISONERS PREVIOUSLY RELEASED

28 names. See table in ETHRC report, East Timorese Political Prisoners, SPR 1/98, Melbourne, 23 June 1998, Appendix A.